

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CAROL THOMAS,

Plaintiff,

v.

CITY COLLEGE OF SAN FRANCISCO, et
al.,

Defendants.

Case No. 15-cv-05504-HSG

**ORDER GRANTING PLAINTIFF'S
MOTION FOR LEAVE TO FILE
AMENDED COMPLAINT; SETTING
CASE MANAGEMENT CONFERENCE**

Re: Dkt. No. 33

Before the Court is Plaintiff Carol Thomas's ("Plaintiff") motion for leave to file a second amended complaint. Dkt. No. 33 ("Mot."). Plaintiff seeks to allege additional facts about hospital bills she has incurred in relation to her claims, as well as communications she has had with the Department of Education, Office of Civil Rights, regarding her complaint and with a dean who apparently works for Defendants City College of San Francisco and City College of California (together, "Defendants"). *See generally id.* Defendants did not file any opposition.

Plaintiff filed this action on December 1, 2015. *See* Dkt. No. 1. She filed a first amended complaint on February 26, 2016. Dkt. No. 20. That first amended complaint, which is operative, asserts unspecified racial discrimination and retaliation claims against Defendants. *Id.* at 2-3. After an unsuccessful settlement conference, *see* Dkt. No. 32, Plaintiff filed the instant motion.


Under Federal Rule of Civil Procedure 15, a party may amend its pleading within 21 days of service or "with the opposing party's written consent or the court's leave." Leave to amend "shall be freely given when justice so requires." *AmerisourceBergen Corp. v. Dialysist W., Inc.*, 465 F.3d 946, 951 (9th Cir. 2006) (citation and quotation marks omitted). But a district court may deny leave to amend where the motion is accompanied by "undue delay, bad faith or dilatory motive on part of the movant," where it would cause "undue prejudice to the opposing party," or if

1 amendment would be futile. *Carvalho v. Equifax Info. Servs.*, 629 F.3d 876, 892 (9th Cir. 2010).

2 Because Defendants have not opposed this motion and because there is no indication that
3 Plaintiff seeks to amend her complaint for an improper purpose, the Court **GRANTS** Plaintiff's
4 motion for leave to file a second amended complaint. Additionally, the Court **SETS** a further case
5 management conference for August 2, 2016, at 2:00pm to discuss setting a schedule in this case.

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7 **IT IS SO ORDERED.**

8 Dated: 7/14/2016

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11 HAYWOOD S. GILLIAM, JR.
12 United States District Judge
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